

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 24, 2011

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JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 24, 2011

The Senate met in regular session at 9:10 a.m., President Kibbie presiding.

Prayer was offered by Reverend Rick Jenkins, chaplain of the Anamosa State Penitentiary in Anamosa, Iowa. He was the guest of Senator Hancock.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alicia Schalla.

The Journal of Wednesday, February 23, 2011, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 23, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 12, a concurrent resolution relating to joint rules of the Senate and House of Representatives for the Eighty-fourth General Assembly.

Read first time and referred to committee on **Rules and Administration**.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:15 a.m. until 1:00 p.m., Monday, February 28, 2011.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: Thursday, February 24, 2011, 12:30 p.m.

Members Present: Seng, Chair; Fraise, Vice Chair; Black, Bowman, Greiner, Hahn, Hancock, Houser, Kapucian, Kibbie, and Rielly.

Members Absent: Johnson, Ranking Member; and Courtney (both excused).

Committee Business: Passed SFs 193 and 269. Approved governor's appointee. Presentation by the Department of Natural Resources.

Adjourned: 1:00 p.m.

COMMERCE

Convened: Thursday, February 24, 2011, 1:05 p.m.

Members Present: Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Feenstra, Schoenjahn, Seng, Wilhelm, and Zaun.

Members Absent: Beall, Bolkcom, Courtney, Kettering, McCoy, and Ward (all excused).

Committee Business: Approved governor's appointee.

Adjourned: 1:10 p.m.

EDUCATION

Convened: Wednesday, February 23, 2011, 1:00 p.m.

Members Present: Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Smith, Soddors, and Wilhelm.

Members Absent: Johnson (excused).

Committee Business: Passed [SF 202](#). Presentation by NICC.

Recessed: 2:00 p.m.

Reconvened: 4:00 p.m.

Adjourned: 4:25 p.m.

JUDICIARY

Convened: Thursday, February 24, 2011, 2:00 p.m.

Members Present: Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, Ward, and Whitver.

Members Absent: None.

Committee Business: Passed [HF 245](#). Approved SSBs 1010 and 1057, both as amended, and [SSB 1121](#). Approved governor's appointees.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: Thursday, February 24, 2011, 10:10 a.m.

Members Present: Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

Members Absent: None.

Committee Business: Adjourned early for House subcommittee meeting.

Adjourned: 10:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,
INFRASTRUCTURE, AND CAPITALS**

Convened: Thursday, February 24, 2011, 10:10 a.m.

Members Present: McCoy, Chair; Beall, Vice Chair; Kapucian, Ranking Member; Anderson and Dvorsky.

Members Absent: None.

Committee Business: Approved LSB 1007. Presentations by the Lake Delhi Watershed Committee and the Department of Natural Resources.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 299, by committee on Natural Resources and Environment, a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Read first time under Rule 28 and **placed on calendar**.

Senate File 300, by committee on Natural Resources and Environment, a bill for an act relating to wind energy development and production.

Read first time under Rule 28 and **placed on calendar**.

Senate File 301, by committee on Economic Growth/Rebuild Iowa, a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 302, by committee on Ways and Means, a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

Senate File 303, by committee on Labor and Business Relations, a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 304, by Soddors, a bill for an act creating a child and school communication protection registry, providing for a fee, creating a fund, providing an appropriation, and providing a penalty.

Read first time under Rule 28 and referred to committee on **Commerce**.

Senate File 305, by Quirmbach, a bill for an act relating to times of operation of certain satellite absentee voting stations.

Read first time under Rule 28 and referred to committee on **Local Government**.

Senate File 306, by Feenstra, a bill for an act relating to property taxation by establishing a method for determining property assessment limitations.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 307, by Feenstra, a bill for an act relating to the operation of all-terrain vehicles on highways and making a penalty applicable.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

Senate File 308, by Hancock, a bill for an act providing a sales tax exemption for certain equipment used in making and grooming snow.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

Senate File 309, by Black, a bill for an act prohibiting certain disability payments related to military service from being used as offsets within the Iowa public employees' retirement system.

Read first time under Rule 28 and referred to committee on **Veterans Affairs**.

Senate File 310, by Boettger and Schoenjahn, a bill for an act relating to the planning, approval, supplementary weighting, and operation of regional academies and including effective date and applicability provisions.

Read first time under Rule 28 and referred to committee on **Education**.

Senate File 311, by committee on Labor and Business Relations, a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

Read first time under Rule 28 and **placed on calendar**.

Senate File 312, by committee on Transportation, a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability date provisions.

Read first time under Rule 28 and **placed on calendar**.

STUDY BILLS RECEIVED

SSB 1156 State Government

Relating to financial responsibilities of local emergency management commissions.

SSB 1157 State Government

Relating to the statewide fire and police retirement system.

SSB 1158 Economic Growth/Rebuild Iowa

Relating to alternate and renewable energy production by creating an alternate and renewable energy incentive program applicable to alternate energy production facilities under specified circumstances.

SSB 1159 State Government

Relating to guidelines and procedures for local fire investigators when conducting certain fire and explosion investigations.

SSB 1160 Judiciary

Relating to the operations of certain common interest communities.

SSB 1161 Education

Prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.

SSB 1162 Education

Modifying the funding requirements for whole grade sharing agreements.

SUBCOMMITTEE ASSIGNMENTS**Senate File 278**

AGRICULTURE: Courtney, Chair; Greiner and Hancock

Senate File 282

WAYS AND MEANS: Jochum, Chair; Bolkcom and Feenstra

Senate File 284

AGRICULTURE: Kibbie, Chair; Houser and Rielly

Senate File 287

HUMAN RESOURCES: Hatch, Chair; Boettger and Bolkcom

Senate File 288

AGRICULTURE: Kibbie, Chair; Hahn and Seng

Senate File 297

JUDICIARY: Jochum, Chair; Dvorsky and Whitver

Senate File 298

LOCAL GOVERNMENT: Quirmbach, Chair; Bowman and Ernst

Senate File 304

COMMERCE: Courtney, Chair; Anderson and Beall

SSB 1156

STATE GOVERNMENT: Jochum, Chair; Feenstra and Sadders

SSB 1157

STATE GOVERNMENT: Kibbie, Chair; Bertrand and Danielson

SSB 1158

ECONOMIC GROWTH/REBUILD IOWA: Dotzler, Chair; Greiner and Wilhelm

SSB 1159

STATE GOVERNMENT: Danielson, Chair; Bertrand and Sodders

SSB 1160

JUDICIARY: Jochum, Chair; Dvorsky and Whitver

SSB 1161

EDUCATION: Quirmbach, Chair; Beall and Smith

SSB 1162

EDUCATION: Bowman, Chair; Schoenjahn and Smith

FINAL COMMITTEE REPORTS OF BILL ACTION**ECONOMIC GROWTH/REBUILD IOWA**

Bill Title: *[SENATE FILE 301](#) (formerly [SF 161](#)), a bill for an act relating to economic development by making changes to the administration of the save our small businesses fund and program and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Sodders, Dotzler, Bowman, Dandekar, Danielson, Hatch, Horn, Rielly, and Wilhelm. Nays, 6: Greiner, Bacon, Bertrand, Chelgren, Ward, and Whitver. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth/Rebuild Iowa Committee on [Senate File 301](#), and they were attached to the committee report.

LABOR AND BUSINESS RELATIONS

Bill Title: [SENATE FILE 303](#) (SSB 1122), a bill for an act relating to unemployment compensation extended benefits and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Horn, Jochum, Ward, Anderson, Bertrand, Chelgren, Courtney, Dearden, Dotzler, Fraise, and Hatch. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 311](#) (formerly [SF 116](#)), a bill for an act relating to wage payment collection issues arising between employers and individuals who provide services to employers, providing penalties and remedies, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Horn, Jochum, Courtney, Dearden, Dotzler, Fraise, and Hatch. Nays, 4: Ward, Anderson, Bertrand, and Chelgren. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Labor and Business Relations Committee on [Senate File 311](#), and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: [SENATE FILE 299 \(SSB 1046\)](#), a bill for an act relating to environmental protection, including solid waste, sewage works, hazardous waste, infectious medical waste, and pesticide and fertilizer contamination.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 300 \(SSB 1078\)](#), a bill for an act relating to wind energy development and production.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on [Senate File 300](#), and they were attached to the committee report.

TRANSPORTATION

Bill Title: [SENATE FILE 312](#) (formerly [SF 9](#)), a bill for an act concerning registration plates issued for business-trade trucks and special trucks, and including applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rielly, Bowman, Beall, Danielson, Dearden, Ernst, Hahn, and Zaun. Present, 1: Hancock. Absent, 4: Kapucian, Dandekar, Houser, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: [*SENATE FILE 302](#) (formerly [SF 118](#)), a bill for an act increasing the amount of tax credits available under the endow Iowa program and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Bolkcom, Seng, Zaun, Anderson, Bartz, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, McCoy, Quirmbach, and Smith. Nays, none. Absent, 2: Black and Jochum.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on [Senate File 302](#), and they were attached to the committee report.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

JUDICIARY

James Felker – Board of Parole
Doris Kelley – Board of Parole
W. Thomas Phillips – Board of Parole

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

JUDICIARY

Mark Schouten – Drug Policy Coordinator

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Dave Jamison – Executive Director of the Iowa Finance Authority

ROBERT M. HOGG